

Appln. No.: 09/576,269
Amdt. dated 10/25/04
Reply to Office Action of 09/20/04

REMARKS

Claims 1-51 are pending. Claims 5-24, 30, 31, 33, 34, 37-41, 43, 44, and 49-51 have been withdrawn from consideration. Claims 1, 4, 32, 45 and 48 are amended herein. Claims 3, 35 and 46 are cancelled. Claims 1, 2, 4, 25-29, 32, 36, 42, 45, 47 and 48 remain for consideration.

Claims 1-4, 25-29, 32, 35, 36 and 42 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The rejection is traversed and reconsideration is respectfully requested.

The Examiner alleges that in claim 1, the term "body" is vague as to what structure it refers, because the term is not defined in the specification. Applicants assert that the term "body," as is recited in claim 1, is sufficiently defined on page 5, lines 8-14, of the specification.

The Examiner alleges that in claim 32, the term "handle" is vague as to what structure it refers, because the term is not defined in the specification. Applicants assert that the term "handle," as is recited in claim 32, is sufficiently defined on page 9, lines 15-18, of the specification.

Nevertheless, Applicants are amending the paragraph in the description at page 12, line 12 to page 13, line 11 to more clearly define the body and handle as is recited in claims 1 and 32 of the present application. Because the terms "body" and "handle" are clearly defined in the original disclosure (see the Summary of Invention Section) and recited in the originally submitted claims, no new matter is being added by the present amendment to the description. It is therefore respectfully submitted that the § 112, second paragraph rejection is overcome.

Claims 1-3, 25-28, 32, 35 and 42 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Pat. No. 1,551,388 to Gross (hereinafter "Gross"). Claims 3 and 35 are cancelled herein and therefore no longer remain for

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consideration. The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

Gross is directed to a fountain safety razor including a hollow handle member 4 in communication with a distributing chamber 3 defined by a guard plate 1, and a blade. The guard plate has teeth 2 and between such teeth are openings 5. A piston 6 disposed with the hollow handle member is pushed to force shaving cream into the distributing chamber 3 and through openings 5 disposed adjacent to the blade. As shown in figure 2, the blade extends laterally outwardly from the openings, and thus Gross does not provide openings surrounding the blades.

The present invention, on the other hand, discloses peripheral apertures 46 at least partially surrounding a razor cartridge receiving area 32 to provide for enhanced lubrication of the blades during a shaving operation, as is generally recited in amended independent claims 1 and 32. Gross does not teach or suggest such peripheral openings for enhanced lubrication.

For an anticipation rejection to be appropriate, each and every element or limitation in a rejected claim must be disclosed in a single prior art reference used in the claim rejection. Because Gross does not teach or suggest a shaving assembly having a grippable body or handle including a plurality of openings adjacent to and at least partially surrounding a razor cartridge, it cannot be maintained that Gross anticipates independent claims 1 and 32. Moreover, because remaining rejected claims 2, 25-28 and 42 each ultimately depend from and thereby incorporate the limitations of one of independent claims 1 and 32, these dependent claims are not anticipated by Gross for at least the reasons set forth for claims 1 and 32.

Claims 45 and 46 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over Gross. Claim 46 is cancelled herein and therefore no longer remains for

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consideration. The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

As mentioned above, Gross is directed to a fountain safety razor having openings disposed adjacent to the blades for providing shaving cream thereto. The blades extend laterally outwardly from the openings, and thus Gross does not provide openings surrounding the blades.

The present invention as is recited in independent claim 45, on the other hand, is directed to a shaving assembly having a dispenser and a cap, wherein the cap includes a razor cartridge receiving area and a plurality of apertures adjacent to and at least partially surrounding the razor cartridge receiving area.

For an anticipation rejection to be appropriate, each and every element or limitation in a rejected claim must be disclosed in a single prior art reference used in the claim rejection. Because Gross does not teach or suggest a shaving assembly having a dispenser and a cap, wherein the cap includes a razor cartridge receiving area and a plurality of apertures adjacent to and at least partially surrounding the razor cartridge receiving area, it cannot be maintained that Gross anticipates claim 45.

The Examiner also states that claims 45 and 46 are allegedly obvious. The Examiner asserts that if it is argued that Gross does not disclose a plurality of side walls as recited in claim 45, the Examiner takes Official notice that such a handle configuration, for example a square/rectangular configuration, is old and well known in the art.

Regardless of the handle configuration, it was demonstrated above that Gross does not teach or suggest a shaving assembly having a dispenser and a cap, wherein the cap includes a razor cartridge receiving area and a plurality of apertures adjacent to and at least partially surrounding the razor cartridge receiving area, as is recited in claim 45. Accordingly, it cannot be maintained that the teaching of Gross when

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taken either alone or in combination with alleged knowledge of various handle configurations is sufficient to render claim 45 obvious.

Claims 4, 29, 36, 47 and 48 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gross. The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

The Examiner believes that the rejected claims are obvious by taking Official notice that it is allegedly old and well known in the art to provide openings/apertures within the razor or razor cartridge receiving area. The Examiner also takes Official notice that it is allegedly old and well known in the art to provide such a razor configuration for various well known benefits including providing a cartridge configuration for improved safety in handling razors such as, for example, providing one or more razor cartridges permanently secured to the cap.

Regardless of the reasons the Examiner uses for justifying the claim rejections, it was demonstrated above that Gross does not teach or suggest a shaving assembly having a plurality of apertures at least partially surrounding a razor cartridge receiving area, as is recited in independent claim 1 from which rejected claims 4 and 29 each ultimately depend, as is recited in independent claim 32 from which rejected claim 36 depends, and as is recited in independent claim 45 from which rejected claims 47 and 48 each depend. Accordingly, it cannot be maintained that the teaching of Gross when taken either alone or in combination with alleged knowledge of apertures within a razor cartridge receiving area or alleged knowledge of razor cartridges permanently secured to the cap is sufficient to render claims 4, 29, 36, 47 and 48 obvious.

In view of the foregoing, it is respectfully submitted that claims 1, 2, 4, 25-29, 32, 36, 42, 45, 47 and 48 are in condition for allowance. All issues raised by the Examiner having been addressed, an early action to that effect is earnestly solicited.

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No fees or deficiencies in fees are believed to be owed. However,
authorization is hereby given to charge our Deposit Account No. 13-0235 in the event
any such fees are owed.

Respectfully submitted,

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